

Request to be removed as Designated Premises Supervisor

Guidance Notes

Section 41 of the Licensing Act 2003 sets out the procedure where an individual who is named as a Designated Premises Supervisor in respect of any licensed premises wishes to cease to have that position. The section is subject to section 54 of the Act which empowers the Secretary of State to prescribe forms of notices to be used for various applications under the Licensing Act. Unfortunately, the Government has not specified a form to be used for this purpose. Nevertheless it is necessary for individuals to observe the procedure contained in section 41 if they wish to be removed from a premises licence as the Designated Premises Supervisor otherwise than in accordance with an application by the Premises Licence Holder for the identity of the Designated Premises Supervisor to be varied.

The Act requires that where an individual wishes to cease to be the Designated Premises Supervisor in respect of a premises licence, he may give the relevant licensing authority a notice to that effect. The notice should be in writing.

Within 48 hours of giving notice to the licensing authority the Designated Premises Supervisor must give a copy of the notice to the Premises Licence Holder and must also give the Premises Licence Holder a notice directing him or her to send the licensing authority within 14 days of receiving that notice, either the premises licence (or appropriate part thereof) or if that is not practicable, a statement of the reasons for the failure to provide the licence) or relevant part thereof.

Unless this entire procedure is followed the person serving notice upon the authority will remain the Designated Premises Supervisor. If the procedure is followed the Designated Premises Supervisor will cease to occupy that position from the time his notice is received by the licensing authority or at such later date as he or she may specify in the notice.

Although the use of the following documents is not mandatory, they will assist people comply with section 41 where they wish to be removed as Designated Premises Supervisor.